

Rose Ann Fleming
ROSE ANN FLEMING PROFESSIONAL CORPORATION
3855 Ledgewood Drive, Suite 13
Cincinnati, OH 45207
Phone: 513-924-8389
Fax: 513-924-8389
Email: Fleming@xavier.edu

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

OLLEN G. COLBERT, Jr.,

Plaintiff,

VS.

**CINERGY, AND THE CINCINNATI GAS
AND ELECTRIC COMPANY, et al.,**

Defendants.

Case No.: 1:00-cv-00909

Magistrate Judge Timothy Hogan

**NOTICE OF DEPOSITION AND SUB
DUCES TECUM**

PLEASE TAKE NOTICE that Plaintiff, Ollen G. Colbert, Jr. by and through Counsel, will take the Deposition of Donald Bricking, as if on cross, on December 10, 2004, commencing at 9:00 a.m. and continuing until completion. The Deposition will be held at the offices of Cinergy, and The Cincinnati Gas and Electric Company, et. al., Defendants, 221 East Fourth Street, Atrium II Building, 25th Floor, Cincinnati, OH 45202.

Deponent is required to produce the following documents at his deposition, *sub duces tecum*:

1. Each and every discipline warning, note, memorandum, letter or document of any kind that he wrote during his supervision of Ollen G. Colbert, Jr.
2. Each and every discipline warning, note, memorandum, letter or document of any kind that he relied upon in termination of Ollen G. Colbert, Jr.
3. Each and every discipline warning, note, memorandum, letter or document of any kind that he has written on any employee, other than Ollen G. Colbert, Jr. during his period as supervisor, up to and including the termination date of Ollen G. Colbert, Jr.

Dated this 16th day of November, 2004.

/s/ Rose Ann Fleming
Rose Ann Fleming
Bar Id. #0041337
ROSE ANN FLEMING, P.C.
3855 Ledgewood Drive,
Suite 13
Cincinnati, OH 45207
Phone: 513-924-8389
Fax: 513-924-8389
Email: Fleming@xavier.edu
Attorney for Plaintiff

CERTIFICATE OF ELECTRONIC SERVICE

I HEREBY CERTIFY that November 16, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Ariane S. Johnson, Esq.
Attorney for Defendant Cinergy and The Cincinnati Gas and Electric Company
Cinergy Services Inc.
1000 East Main Street
Plainfield, IN 46168
and
Jerry A. Spicer, Esq.
Snyder, Rakay & Spicer
11 W. Monument Building
Suite 307
Dayton, OH 45402

and I HEREBY CERTIFY that I have mailed by United States Postal Service the document to the same parties.

/s/ Rose Ann Fleming

Rose Ann Fleming

Bar Id. #0041337

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Attorney for Plaintiff